

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CAROL APOLINAR,

Plaintiff

VS.

**BATH & BODY WORKS, L.L.C.
d/b/a BATH & BODY WORKS,
and L BRANDS, INC.,**

Defendants

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CIVIL ACTION NO. 5:19-CV-751

NOTICE OF REMOVAL

Defendants BATH & BODY WORKS, LLC, (“BBW”) d/b/a BATH & BODY WORKS, and L BRANDS, INC., pursuant to 28 U.S.C. §§ 1332(a), 1441(a), 1446 and the applicable Local Rules of the Western District of Texas, hereby removes this Action from the District Court, 37th Judicial District, Bexar County, Texas to the United States District Court for the Western District of Texas. The basis for removal as follows:

1. On or about May 20, 2019, Plaintiff Carol Apolinar filed an Original Petition in the District Court 37th Judicial District, Bexar County, Texas, being Cause No. 2019CI10133, *Carol Apolinar v. Bath & Body Works, Inc., et al.* against BBW and L Brands, Inc. (“L Brands”), (the “State Action”).

2. Defendants were served with the Petition on May 28, 2019.

3. In accordance with 28 U.S.C. §1446(a), copies of the Summons, Petition, and all other papers served upon BBW or filed in the State Action are attached hereto as a composite Exhibit A.

4. This Notice of Removal is filed in accordance with 28 U.S.C. §§1441(b) and 1446.

5. Plaintiff is a resident of San Antonio, Texas. (Complaint, para. 2.)

6. BBW is a Delaware limited liability company with a principal place of business in Ohio. BBW is a wholly-owned subsidiary of Retail Store Operations, Inc., a Delaware corporation with its principal place of business in Ohio.

7. L Brands, Inc., is a Delaware corporation with a principal place of business in Ohio.

8. Therefore, for purposes of removal, Plaintiff and Defendants are citizens of different states.

9. L Brands, Inc., consents to removal of the State Action to this Court.

10. Plaintiff alleges in her Complaint that Defendants negligently maintained the premises, resulting in serious personal injuries, including pain/contusions to her right shoulder, lower back, and pelvis, sprain of her neck muscle, fascia, and tendons, cervical spine ligament sprain, cervical and lumbar spine disc herniations, and strain of her right ankle and foot muscles and tendons, and to endure mental pain, anxiety, and anguish. (Complaint, para. 27). Plaintiff seeks monetary relief over \$200,000.00 but not more than \$1,000,000. (Complaint, para. 6)

11. Removal of the State Action is proper under 28 U.S.C. §1441 and 28 U.S.C. §1332, because complete diversity of citizenship exists between the Plaintiff and Defendants, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and attorney fees.

12. The undersigned has served notice of the removal of this action on Plaintiff by serving her counsel with this Notice of Removal and has filed a copy of this Notice of Removal with the Clerk in the State Action. A copy of the Notice of Filing of the Notice of Removal is attached hereto as Exhibit B.

13. As this action asserts a claim between diverse parties for an amount greater than the jurisdictional threshold, the requirements of 28 U.S.C. §1332 have been satisfied and removal to this Court is proper.

WHEREFORE, Defendant Bath & Body Works, LLC, respectfully request that this case be entered upon the docket of the United States District Court for the Western District of Texas, pursuant to 28 U.S.C. §§1441 and 1446.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served in accordance with the Federal Rules of Civil Procedure, this 25th day of June 2019 on the following counsel of record, properly addressed as follows:

Served via: Automatic email generated by CM/ECF System

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